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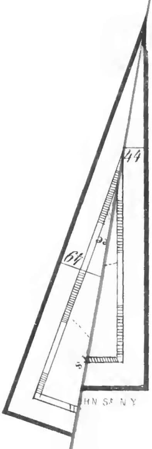
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A MEMOIR

ON THE

NORTH-EASTERN BOUNDARY,

IN CONNEXION WITH MR. JAY'S MAP,

BY THE

HON. ALBERT GALLATIN, LL. D.,
PRESIDENT OF THE N. Y. HISTORICAL SOCIETY,
FORMERLY ONE OF THE COMMISSIONERS UNDER THE TREATY OF GHENT,
MINISTER TO GREAT BRITAIN, &C. &C.;

TOGETHER WITH

A SPEECH ON THE SAME SUBJECT,

BY THE

HON. DANIEL WEBSTER, LL. D.,
SECRETARY OF STATE, &C. &C.;

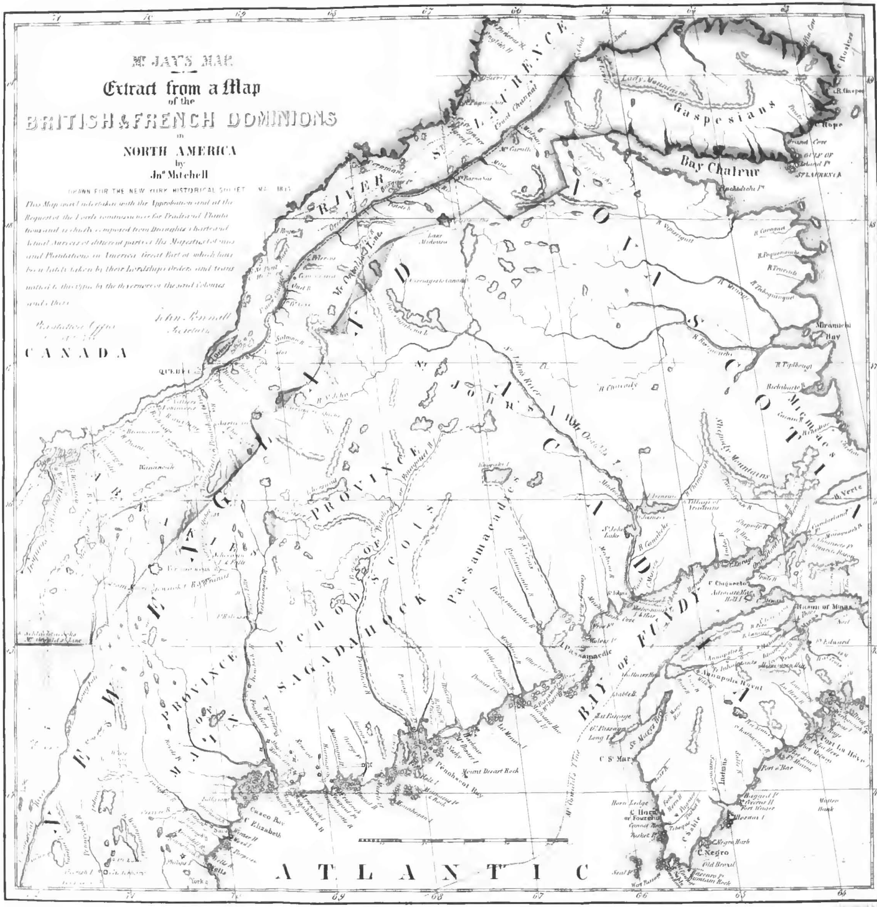
DELIVERED AT A SPECIAL MEETING OF

THE NEW-YORK HISTORICAL SOCIETY,

APRIL 15TH, 1843.

ILLUSTRATED BY A COPY OF THE "JAY MAP."

NEW-YORK:
PRINTED FOR THE SOCIETY.
1843.


Mr JAY'S MAP
Extract from a Map of the BRITISH & FRENCH DOMINIONS in NORTH AMERICA by Jno Mitchell
DRAWN FOR THE NEW YORK HISTORICAL SOCIETY MAY 1843
This Map was undertaken with the Approbation and at the Request of the Lords Commissioners for Trade and Plantations and is chiefly composed from Draughts Charts and Actual Surveys of different parts of His Majesties Colonies and Plantations in America Great Part of which have been lately taken by their Lordships Orders and transmitted to this Office by the Governors of the said Colonies and others
John Pownall Secretary
Plantation Office
CANADA
QUEBEC
RIVER ST LAWRENCE
Gaspesians
Lady Mountains
Bay Chaleur
GULF OF ST LAWRENCE
C Hope
Miramichi Bay
B. Verte
Micmacs
Shepody Mountains
NOVA SCOTIA
ACCADIA
NEW ENGLAND
PROVINCE OF MAIN
SAGADAHOCK
PENOBSCOTS
Passamacadie
St Johns River
Mr Mitchell's Line
Mr Oswald's Line
BAY OF FUNDY
Basin of Minas
Annapolis Royal
Port La Heve
C Sable
C Negro
Casco Bay
C Elizabeth
Penobscot Bay
Mount Desart Rock
ATLANTIC
71
70
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68
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44

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1843.

J. P. Wright, Printer,
122 Fulton Street.

PRELIMINARY NOTICE.

A SPECIAL MEETING of the *New-York Historical Society* took place at the Society's Rooms in the University of the City of New-York, on the 15th ultimo, for the purpose of receiving a communication from the Hon. ALBERT GALLATIN, President of the Society, on the subject of the North-Eastern Boundary of the United States, in connexion with a Map found amongst the papers of the late JOHN JAY, one of the American Commissioners for negotiating the treaty with Great Britain in 1783.

The meeting was honored by the attendance of the Hon. DANIEL WEBSTER, Secretary of State, who had been invited to be present on this occasion.

In consequence of the unusual interest excited in the community by the agitation of the subject to be brought before the Society, and the exalted reputation of the venerable President, arrangements were made for an early adjournment of the meeting to the large Chapel of the University, in order to accommodate persons introduced by the members. At eight o'clock P. M., Mr. Vice-President LAWRENCE, (formerly Secretary of Legation under Mr. GALLATIN, and subsequently Chargé d'Affaires of the United States to Great Britain,) being in the chair, the Society adjourned to the Chapel, when the following memoir was read by Mr. GALLATIN, assisted by JOHN JAY, Esq., one of the Secretaries.

Mr. GALLATIN was followed by Mr. LAWRENCE, in a few remarks, designed to call up Mr. WEBSTER, who responded to the call in a speech that derived the highest interest from the unrivalled ability of the speaker, as well as from his elevated position in the Government, and as the negotiator, on the part of the United States, of the recent Treaty of Washington. In the course of his remarks, Mr. Webster was repeatedly interrupted by the applause of the audience; and after he had concluded, the following Resolution was adopted with acclamation by the Society:

" *Resolved*, That the thanks of this Society are presented to the Honorable the President, for the able and important paper that has now been read, in relation to the North-Eastern Boundary question; and to the Honorable Daniel Webster, for his interesting and eloquent remarks in connexion therewith; and that copies of the same be respectfully requested for publication."

The following correspondence subsequently passed, after the return of Mr. Webster to the City of Washington:

"New-York, April 17th, 1843.

"*Sir*,—I have the honor of communicating to you the thanks of the New-York Historical Society, for the eloquent and instructive remarks on the subject of the North-Eastern Boundary, which you did the Society the favor to offer in answer to a call from one of the Vice-Presidents, at its meeting on the 15th instant.

I have also to request of you the favor of a written report of your remarks on that occasion, with a view to their publication under the auspices of the Society.

I have the honor to be, Sir,
With the highest respect,
Your most obedient servant, &c.

GEORGE FOLSOM,
Domestic Corresponding Secretary
of the N. Y. Historical Society.

The Hon. Daniel Webster, LL. D.,
Secretary of State, &c. &c.,
Washington, D. C."

" Washington, April 22d, 1843.

" GEORGE FOLSOM, Esq.
Domestic Corresponding Secretary
of the NEW-YORK HISTORICAL SOCIETY:

" *Sir*,—I have the honor to acknowledge the receipt of your letter of the 17th instant, communicating to me the thanks of the NEW-YORK HISTORICAL SOCIETY for my remarks, delivered in its presence, on the 15th, on the subject of the North-Eastern Boundary, and requesting a report of them for publication under the auspices of the Society.

I feel greatly honored by this notice of the Society, and an account of my remarks, corrected from the Newspaper Press, will be forwarded.

I have the the honor to be, Sir,
Your very obedient servant,
DANIEL WEBSTER."

In pursuance of the vote of the Society, Mr. GALLATIN'S Memoir, and the Speech of Mr. WEBSTER, are published in the following pages. A Note has been also added, in reference to a recent debate in the British Parliament on the subject of the Treaty of Washington, in consequence of some extraordinary coincidences, chiefly growing out of the discovery of another map in England, corresponding to Mr. JAY'S map, mentioned in the speech of Sir ROBERT PEEL. This Note will be found immediately succeeding the report of Mr. WEBSTER'S speech.

New-York, *May* 10*th*, 1843.

MR. GALLATIN'S MEMOIR

ON THE

NORTH-EASTERN BOUNDARY.

Gentlemen,

The final adjustment of the differences, which had so long existed between Great Britain and the United States, respecting our North-Eastern Boundary, as effected by the late Treaty of Washington, has been received with general satisfaction by the American people, and I may be permitted to add, by no one more than by myself. For although it had been my duty to defend what we believed to be the legitimate rights of the United States, yet the question had appeared to me to be one of abstract right, which the General Government was not authorized voluntarily to yield without the consent of the State of Maine: and I felt perfectly satisfied whenever that was obtained, inasmuch as the portion of territory relinquished by the treaty was, in my opinion, of no real importance in a national point of view.

It is much to be lamented that, after a conciliatory compromise, convenient and honorable to both countries, and apparently almost universally approved, had been thus happily concluded, an incident of so little real importance as the discovery of a certain Map, on which is traced a line ascribed to Dr. Franklin, should have served as a pretence for renewing the discussion on the merits of the case. And it was hardly to be tolerated, that, in some quarters, innuendoes should on that account have been made, tending to affect the sincerity and good faith of our Government.

Under those circumstances, a map which had been used by the Hon. JOHN JAY, during the negotiation of 1782, and which I had never seen before, was communicated to me; and I have obtained the permission of his son, Mr. WILLIAM JAY, to whom it now belongs, to lay it before this Society. It is proper for me to add, that this map, which, since the death of his father, had always remained in the possession of our late President, Mr. PETER A. JAY, had never till now been seen by the present owner, Mr. WILLIAM JAY, to whom it descended with his other papers by the will of his father.

My object is less to show the bearing which the map has on the points heretofore at issue between the two Governments, than to remove the impressions made by the line of demarcation ascribed to Dr. FRANKLIN. In doing this, I would wish to avoid a renewed discussion on the former points of difference. Yet it is impossible to explain the inferences flowing from Mr. JAY's map, without stating what these points were; and I shall endeavor to enter no farther into the discussion than is necessary to make myself intelligible.

The boundaries of the United States of America were defined by the preliminaries of Peace, concluded the 30th day of November, 1782, and ratified verbatim by the definitive treaty of the 3d September, 1783, between the said States and his Britannic Majesty, in the following words, viz:

" ARTICLE 2. And that all disputes which might arise in
" future on the subject of the boundaries of the said United
" States may be prevented, it is hereby agreed and de-

" clared, that the following are and shall be their boundaries,
" viz: from the northwest angle of Nova Scotia, viz: that
" angle which is formed by a line drawn due north from
" the source of the St. Croix River to the Highlands, along
" the said Highlands which divide those rivers that empty
" themselves into the River St. Lawrence, from those which
" fall into the Atlantic Ocean, to the northwesternmost head
" of Connecticut River; thence, down along the middle of
" that river, to the forty-fifth degree of north latitude; from
" thence, by a line due west on said latitude, until it strikes
" the River Iroquois or Cataraquy; thence, ...
" .... and thence, down along the middle
" of St. Mary's River, to the Atlantic Ocean. East, by a
" line to be drawn along the middle of the River St. Croix,
" from its mouth in the Bay of Fundy, to its source; and,
" from its source, directly north, to the aforesaid High-
" lands which divide the rivers that fall into the Atlantic
" Ocean from those which fall into the River St. Lawrence:
" comprehending all islands within twenty leagues of any
" part of the shores of the United States, and lying between
" lines to be drawn due east from the points, where the
" aforesaid boundaries between Nova Scotia, on the one
" part, and East Florida, on the other, shall respectively
" touch the Bay of Fundy and the Atlantic Ocean."

Which was the true northwesternmost head of the River Connecticut, became subsequently a minor subject of difference, which did not affect the great question at issue. But there were not less than three rivers, emptying themselves into the Bay of Passamaquoddy (which is an inlet of the Bay of Fundy), known by distinct Indian names: and which of these was the true River St. Croix had, ever since the year 1764, been a subject of contention between the Governments of Massachusetts and Nova Scotia. This question was not decided by the terms of the treaty: and it was referred by the treaty of 1794 to the final decision of a joint commission. The Commissioners did, on the 25th October, 1798, decide the river called Schoodiac, and the northern branch of it (called Cheputnaticook), to be the true River St. Croix; and that its source was at the northernmost head spring of the northern branch aforesaid. A monument was erected at that spot under the direction of the Commissioners.

However diversified or subdivided may have been the arguments adduced on both sides, there was in reality, after this decision, but one question at issue, viz: Which were the Highlands intended by the treaty? For since the boundary line was, from the monument, to be run due north to the Highlands, the position of the northwest angle of Nova Scotia, and of the boundary which thence extended along the Highlands, depended necessarily and exclusively on the position of those Highlands.

You know, that the point claimed by the United States, as being the northwest angle of Nova Scotia prescribed by the treaty, is that where the due north line intersects the highland which divides the source of the River Metis, a tributary stream of the River St. Lawrence, from the source of a branch of the River Ristigouche, which falls into the Gulf of St. Lawrence; and that the boundary claimed by them is along the Highlands which, from that point to the northwesternmost source of the Connecticut, divide rivers emptying themselves into the River St. Lawrence from the various branches of the Rivers Ristigouche, St. John, Penobscot, and Kennebec. On the other hand, it was claimed on the part of Great Britain, that the northwest angle of Nova Scotia was to be found on a point of the due north line, about forty miles north of the monument, at or near Mars Hill, which divides no other rivers but some rivulets which fall into the River St. John. The Highlands contended for by Great Britain extend from that point towards the source of the Connecticut River, dividing for three-fifths of that distance the sources of the various branches of the Penobscot from those of the various branches of the River St. John, and for the other two-fifths, the sources of the tributaries of the Kennebec from those of rivers that empty themselves into the River St. Lawrence.

For the better understanding of the maps, to which I shall hereafter allude, it is necessary to state, that during the course of this long discussion, it was contended, on the part of the United States, that the negotiators of the treaty of 1782, after much contention about that North-Eastern Boundary, at last did actually adopt, in that quarter, the boundaries which the Government of Great Britain had, by her public acts, subsequent to the conquest of Canada, declared to be the boundaries of Canada and Nova Scotia respectively. In order to enable you to judge of the correctness of that position, I will quote the acts alluded to.

His Britannic Majesty, by his proclamation, dated the 7th of October, 1763, established new Governments, and amongst others that of Quebec.

The boundaries of that Government were, by the said proclamation, fixed as follows:

"Bounded on the Labrador Coast by the River (*a*) St. "John; and from thence, by a line drawn from the head of "that river, through the Lake St. John, to the south end of "the Lake Nipissing, from whence the said line, crossing

---

(*a*) Not the River St. John which falls into the Bay of Fundy, but one of the same name, which, from the north, falls into the Gulf of St. Lawrence.

" the River St. Lawrence and the Lake Champlain, in forty-
" five degrees of north latitude, passes along the Highlands
" which divide the rivers that empty themselves into the said
" River St. Lawrence from those which fall into the sea, and
" also along the north coast of the Bay des Chaleurs and
" the coast of the Gulf of St. Lawrence, to Cape Rosiers;
" and from thence, crossing the mouth of the River St. Law-
" rence, by the west end of the Island of Anticosti, termi-
" nates at the aforesaid River St. John."

The boundaries of the Province of Quebec were enlarged in another quarter by the act of Parliament of 14th Geo. III. Chap. 83. (1774), commonly called the Quebec Act. But those adjacent to Nova Scotia and Massachusetts, were, by that act, defined in words nearly similar to those used in the proclamation of 1763, viz:

" That all the Territories, Islands, and Countries in North
" America, belonging to the Crown of Great Britain, bounded,
" on the south, by a line from the Bay of Chaleurs along the
" Highlands which divide the rivers that empty themselves
" into the River St. Lawrence from those which fall into the
" sea, to a point in forty-five degrees of northern latitude,
" on the eastern bank of the River Connecticut, keeping the
" same latitude directly west through the Lake Champlain,
" until, in the same latitude, it meets the River St. Lawrence,
" from thence, &c. . . . . . . be, and they are hereby,
" during His Majesty's pleasure, annexed to and made part
" and parcel of the Province of Quebec, as created and es-
" tablished by the said Royal Proclamation, of the 7th of
" October, 1763."

The only difference between the terms used respectively in those acts and in the treaty, which has been alleged as affecting the boundaries intended by those instruments, consists in the substitution, in the treaty, of the term *Atlantic Ocean,* instead of the word *Sea* used in the Proclamation and in the Quebec Act. Those terms are considered by the United States as being in this case synonymous. It was asserted on the part of Great Britain, that the term "Atlantic Ocean, in the treaty, excludes the River St. John from the class of rivers that fall into that ocean.

With respect to the boundary between the United States and Nova Scotia, the description of it in the treaty is borrowed almost verbatim, from that which, for the twenty preceding years, had been assigned by the British Government to Nova Scotia. The limits prescribed for that Province are thus defined in the commission of Montagu Wilmot, dated 21st November, 1763, viz:

" Our Province of Nova Scotia, *and which we have thought* " *proper to restrain* and comprise within the following limits, " viz: To the northward our said Province shall be bounded " by the southern boundary of our Province of Quebec as " far as the western extremity of the Bay des Chaleurs, . " . . . and to the westward, *although our said Pro-* " *vince has anciently extended, and does of right extend, as* " *far as the River Pentagoet or Penobscot,* it shall be bounded " by a line drawn from Cape Sable across the entrance of " the Bay of Fundy to the mouth of the River St. Croix, by " the said River to its source, and by a line drawn due north " from thence to the southern boundary of our Colony of " Quebec."

In the commissions of the several Governors who succeeded Mr. Wilmot, viz: William Campbell in 1765, Francis Legge in 1773, and John Parr, whose commission is dated 29th July, 1782, and who was Governor at the time when the preliminary Articles of Peace were signed, the reservations (in italics) are omitted; and the boundaries are thus expressed, viz:

> " Our Province of Nova Scotia, bounded on the westward
> " by a line drawn from Cape Sable across the Bay of Fundy
> " to *the mouth of the River St. Croix, by the said River to its*
> " *source, and by a line drawn due north from thence to the*
> " *southern boundary of our Colony of Quebec, to the north-*
> " *ward," &c.*

It is nevertheless true, that, notwithstanding the opinion of the Law Officers of the Crown of 11th August, 1731, declaring that the charter of Massachusetts remained in force, the British Government still insisted upon the operation which certain treaties with France might have had upon the charter; and that the wish and hope to extend the boundary of Nova Scotia, as far west as the Penobscot, had never been abandoned, prior to the final relinquishment of that pretension by the preliminary Articles of Peace of 1782. It is foreign to our present purpose to repeat the arguments drawn from the express terms of the treaty without reference to any other previous acts, or to advert at this time to the proofs which established the identity of the boundaries established by the treaty, with those defined by the charter of Massachusetts. It is sufficient, with a view to the evidence derived from maps, to have shown the identity of the treaty boundaries, with those previously established by the commissions of the Governors of Nova Scotia, by the proclamation of 1763, and by the Quebec Act of 1774. The question then occurs: Which were the Highlands declared by the two last mentioned public Acts to be the southern boundary of the Province of Quebec?

Independent of arguments derived from other sources, the U. States produced, and laid before the King of the Netherlands, all the maps published in Great Britain, between the years 1763 and 1783, on which the southern boundary of the Province of Quebec is laid down, and which, after a diligent search, both in England and America, could be obtained. Not a single one was omitted that had come within the knowledge of the American Government: not a single one of an opposite character has ever been produced.

The maps thus collected are the following, viz:

1. T. Kitchin's British Dominions in North America, &c. Engraved for Dodsley's Annual Register, of 1763
2. T. Kitchin's British Dominions in North America, &c. Engraved for Capt. John Knox's History of the War in America, London,................ 1769
3. British Empire in North America, &c. Annexed to Wynne's History of the British Empire, &c. London,................................... 1770
4. J. Palairet's North America, with improvements, &c. By L. Delarochette. London,.......... 1765
5. Ridge's British Dominions in North America, &c. Annexed to a Complete History of the Late War, &c. Dublin,.............................. 1766
6. Palairet's North and South America, by the American Traveller. Annexed to "The American Traveller," &c. London,.................... 1769
7. North America and West Indies, with the opposite coasts, &c. [Jeffreys' Atlas,] London,........ 1775
8. North America, improved from Danville, with divi-

sions by P. Bell. Engraved by R. W. Seale, London, ... 1771

9. P. Bell's British Dominions in North America, &c. 1772. Annexed to "History of British Dominions in North America, &c. in fourteen books." London, ... 1772
10. S. Dunn's British Empire in North America. London, ... 1774
11. Danville's North America, improved with English Surveys, &c. London, ... 1775
12. E. Bowen and J. Gibson's North America, &c. London, ... 1775
13. Sayer and Bennett's Province of Quebec, &c. London, ... 1776
14. Seat of War in the Northern Colonies, &c. Annexed to the American Military Pocket Atlas. London, ... 1776
15. North America, &c. corrected from the materials of Gov. Pownall, M. P., London, ... 1777
16. Continent of America, &c. corrected from the materials of Gov. Pownall, London, ... 1777
17. W. Faden's British Colonies in North America, .. 1777
18. W. Faden's North America, from the latest discoveries, 1778. Engraved for "Carver's Travels," London, ... 1778 & 1781
47. T. Jeffreys' Nova Scotia, &c. London, ... 1775

The identity of the Highlands which form the southern boundary of the Province of Quebec, with those which are claimed by the United States as their boundary, will appear evident on the first inspection of those maps. I happen to have four of these in my possession, from which you may judge of the character common to all: these are Nos. 10, 12, 13, and 14, of the preceding list.

In every one of those maps, the course of the line from the source of the River St. Croix is northward; in every instance that line crosses the River St. John and terminates at the Highlands, in which the rivers that fall into the River St. Lawrence have their sources; in every instance, the northwest angle of Nova Scotia is laid down on those Highlands, and where the north line terminates; in every instance, the Highlands, from that point to the Connecticut River, divide the rivers that fall into the river St. Lawrence, from the tributary streams of the River St. John, and from the other rivers that fall into the Atlantic Ocean.

The exhibition of such undeniable proofs of the universal understanding in England, from the date of the proclamation of 1763 to the time when the preliminary Articles of Peace were signed, of the position of the Highlands defined as the southern boundary of the Province of Quebec, by the proclamation and by the Quebec act, placed in a rather awkward dilemma the British agents. They must either deny, in the face of the public acts of Great Britain, the identity of the boundaries defined by those acts with those declared by the treaty: or they must, notwithstanding the conclusive evidence derived from the maps, affirm that the boundaries prescribed by the proclamation and the Quebec act were not correctly delineated on those maps. As it was equally difficult to maintain either position, the agents, employed at different times by the British Government, have differed amongst themselves on that point. You may in that respect consult and compare the arguments used by the British agent and commissioner under the joint commission, with those contained in the British statements laid before the King of the Netherlands, and with the reasons adduced on that particular subject in the report of Messrs. FEATHERSTONHAUGH & MUDGE.

It was probably, at least partly, in order to avoid the inferences that might be drawn from more modern maps, that the British Commissioners who negotiated the preliminary Articles of Peace, brought Mitchell's map, for the purpose of its being used jointly by the Commissioners in the course of the negotiations, on which, as it was published in 1755, the boundaries prescribed by the Proclamation of 1763, and the Quebec Act of 1774, could not be delineated. It was in proof by the testimony of our own Commissioners that this was the map, which had been jointly used by the American and British negotiators of the preliminaries of Peace; and it was accordingly recognised as such by the Convention of 29th September, 1827, as follows, viz:

"The map, called Mitchell's Map, by which the framers "of the Treaty of 1783 are acknowledged to have regulated "their joint and official proceedings, and the map A, which "has been agreed on by the contracting parties, as a delineation of the water courses, and of the boundary lines in "reference to the said water courses as contended for by "each party, respectively, and which has accordingly been "signed by the above named Plenipotentiaries, at the same "time with this Convention, shall be annexed to the state-"ments of the contracting parties, and be the only maps that "shall be considered as evidence, mutually acknowledged by "the contracting parties, of the topography of the country."

The proposal respecting Mitchell's map, came from British Commissioners, and I assented to it with the following addition:

"It shall, however, be lawful for either party to annex "to its respective first statements, for the purposes of gene-"ral illustration, any of the maps, surveys, or topographi-

"cal delineations, which were filed with the Commissioners "under the fifth article of the Treaty of Ghent, any engraved map heretofore published, and also a transcript of "the above mentioned map A, or of a section thereof, &c."

The engraved dotted boundary lines on Mitchell's map may not be strictly considered as evidences of topography: but they are evidence at least of the manner in which those boundaries were understood in the year 1755, when the map was published. And this is of some importance, inasmuch as the map is certified to have been undertaken with the approbation of the Board of Trade, and to be chiefly composed from drafts, charts, &c., transmitted by the Governors of the several colonies.

According to that map, Nova Scotia and New England are made to extend as far north as the southern bank of the River St. Lawrence, which, according to the pretensions of Great Britain, was deemed to be the boundary between her possessions and Canada. The boundary between Nova Scotia and New England is delineated by an engraved dotted line, from the mouth of the River St. Croix to its northerly source, and thence, by a due north line which extends to the southern bank of the River St. Lawrence. The territory east of that boundary line is designated in large capital letters, by the name of Nova Scotia or Acadia: and the territory west of the same line is, in a similar manner, designated as New England.

In order, undoubtedly, to preserve, against Massachusetts, the pretensions of the Crown to the territory east of the Penobscot, a similar engraved dotted line extends along that river from its mouth to its northeasternmost source, whence it is, by a short eastwardly line, connected with the due north line above mentioned. It may be observed that it thereby appears, that the claim of the Crown to the territory east of the Penobscot extended no farther north than the source of that river, and that the whole country north of it, west of the due north line, embracing the whole basin of the upper branches of the River St. John, and extending as far north as the southern bank of the River St. Lawrence, was, according to the Board of Trade, part of New-England.

The first mentioned dotted line is precisely the same as that declared by the treaty to be the boundary between the United States and Great Britain, with the single exception, that its northerly extremity, or north-west angle of Nova Scotia, was by the treaty removed due south to the highlands described in that instrument.

I will hereafter advert more particularly to the topography of Mitchell's map. But some of its general features must be now stated in order to understand the copy of it which did belong to Mr. JAY.

The latitudes, the general course of the main branch of the River St. John, and its relative position to the River St. Croix, to the Penobscot, and to the tributary streams of the River St. Lawrence, are laid down on Mitchell's map with sufficient correctness for all practical purposes. The point at which the due north line (from the source of the River St. Croix) crosses the River St. John is placed on that map, 140 miles in a direct line (north by west) from the mouth of the River St. Croix; which does not differ ten miles from the fact. From that point, the course of the main branch, which Mitchell expressly calls "R. St. John," up to its most western source is about west-south-west, and the distance 115 miles in a straight line. This agrees, with remarkable correctness in both respects, with the actual situation of the source of the west branch of map A, (Mr. FEATHERSTONHAUGH's Mittaywoquam). The south and south-west branches are not laid down by MITCHELL, and were not known before the surveys executed under the joint commission of 1818.

The north-easternmost branch of the River St. John unites, on MITCHELL's map, with the main river at the same point where this is intersected by the due north line above stated; which in point of fact is erroneous. This branch, to which he gives no name, issues in his map from his lake Medousa. This lake is that now known by the name of Temiscouata, and the river issuing from it is the Madawaska. For you will find that, on that map, the north-western source of the lake Medousa is opposite and close to the source of the Pistole river, which empties into the River St. Lawrence, a short distance north-east from the source of the Wolves River (Riviere le Loup), and about thirty-five miles south-west from the mouth of the river Metis. All which, as will appear by recurrence to the map A, or to any other modern map, is the precise position of the northern extremity of the Temiscouata lake.

Mr. JAY's map, which is now exhibited before you, is the map of MITCHELL; and a red line is delineated upon it, which is designated through its whole extent as being Mr. OSWALD's *line.* These words are also written with red ink, and were at once recognised by Mr. WILLIAM JAY, as being the handwriting of his father, the Hon. JOHN JAY. This is the only line or coloring on the map which is known to have been laid down by Mr. JAY. The map itself is colored; which must have been done subsequently to the year 1755, the maps of MITCHELL having had originally no coloring whatever.

In this map, Nova Scotia is designated by a red border, the ground not being colored. New England is colored yellow, New York blue, &c., and Canada green. This last circumstance at once shews for what purpose the map was colored. Canada is made to include all the country between the lakes and the Ohio. The Quebec act is the only public act which ever gave that extension to Canada. And accordingly, following that green boundary of demarcation, from the Gulf of St. Lawrence westward to the Mississippi, you will find that it does agree, in every respect, with the southern boundary of the province of Quebec, as prescribed by that act. There can be, therefore, no doubt that the map was thus colored during or subsequent to the year 1774, and very little that the whole of the map was colored at the same time. It is highly improbable that this should have been done by Mr. JAY; and the whole appears to have been executed by an artist under the direction of the map vender. The colored line, red on the one side and yellow on the other, which, in conformity with the line claimed by the United States as their Eastern boundary, extends from the mouth of the River St. Croix to its source, and thence due north to the southern boundary of Canada, appears to me to be nothing more than the above mentioned dotted line of MITCHELL, marked with the colors assigned respectively in this map to Nova Scotia and New England. It appears therefore to me that this map came in the possession of Mr. JAY colored as it is, with the single exception of the red line first above mentioned, and designated as Mr. OSWALD's line.

There is no difficulty in discovering what are the boundaries intended to be represented by this line.

The American and British Commissioners met at Paris and commenced their negotiations in September, 1782, Mr. ADAMS and Mr. LAURENS were not yet present, when, on the 8th October, 1782, Dr. FRANKLIN and Mr. JAY entered into a provisional arrangement with MR. OSWALD, *to be submitted however to his Britannic Majesty.* The boundaries defined by that agreement are in the following words, and correspond precisely with the line designated on Mr. JAY's map, as Mr. OSWALD's line, viz:

" The said States are bounded north by a line to be drawn " from the north-west angle of Nova Scotia along the highlands, which divide those rivers that empty themselves into " the River St. Lawrence from those which fall into the Atlantic, to the north-westernmost head of Connecticut River; thence down along the middle of that river to the forty-fifth degree of north latitude, and thence due west in the " latitude forty-five degrees north from the Equator, to the " north-westernmost side of the River St. Lawrence, or Cataraquy; thence straight to the Lake Nipissing, and thence " straight to the source of the River Mississippi; west, " by a line to be drawn along the middle of the River Mississippi, to where the said line shall intersect the thirty-first " degree of north latitude; south, by a line to be drawn due " east from the termination of the line last mentioned, in the " latitude of thirty-one degrees north of the Equator, to the " middle of the River Apalachicola, or Catahouche; thence " along the middle thereof to its junction with the Flint River; " thence straight to the head of St. Mary's River; thence " down along the middle of St. Mary's River to the Atlantic " Ocean; and east, by a line drawn along the middle of St. " John's River from its source to its mouth in the Bay of Fundy; comprehending all islands within twenty leagues of any " part of the shores of the United States, and lying between "lines to be drawn due east from the points where the "aforesaid boundaries between Nova Scotia on the one "part, and East Florida on the other, shall respectively 'touch the Bay of Fundy and the Atlantic Ocean."

"*Paris*, 8*th October*, 1782.

"A true copy of which has been agreed on between the "American Commissioners and me, to be submitted to His "Majesty's consideration.

"(Signed) R. OSWALD."

"Alteration to be made in the treaty, respecting the boun-"daries of Nova Scotia, viz:

"East, the true line between which and the United States "shall be settled by Commissioners, as soon as conveniently "may be after the war."

On the 14th of October, Dr. Franklin writes to Robert R. Livingston, the American Secretary of State: "We have now made several preliminary propositions, which the English Minister, Mr. Oswald, has approved and sent to his Court. He thinks they will be approved there; but I have some doubts............The Articles were drawn very fully by Mr. Jay, who I suppose sends you a copy; if not, it will go by the next opportunity."

The red line under consideration must therefore have been drawn by Mr. Jay, in October, 1782, and undoubtedly with the knowledge and assent of Mr. Oswald. A copy or full description of the line, thus proposed by the American Commissioners, must have been transmitted by Mr. Oswald to his Government. For, unless he had done it, it would have been impossible for that Government to understand what was meant by the words in the agreement, "*the source of St. John's River*," which, without such copy or explanation, it would naturally have understood to be, the source of the main River St. John's as laid down in Mitchell's map.

It is well known that this boundary was rejected by Great Britain. That this was in some degree anticipated, appears from a memorandum, annexed to the articles of agreement, which offered the alternative of "having the boundary of "Nova Scotia settled by Commissioners as soon as conve-"niently may be after the war."

The proposal, if acceded to, would have given nearly the whole of Upper Canada to the United States. It was made in compliance with the resolutions of Congress of the year 1779, repealed indeed by those of 1781; which last, however, still referred to those of 1779 as expressive of the wishes of Congress.

I will now proceed to state the strictly legitimate inferences resulting from the map as it now lies before you, with the admission that Mr. Oswald's red line, as it is called, is the only delineation made upon it by Mr. Jay.

It now clearly appears by this map, that the source of the River St. John, intended and proposed by the American Commissioners, in the agreement of the 8th October, 1782, to be the northwest angle of Nova Scotia, was not the source of the main river, as it is now known to exist, or as laid down in Mitchell's map; but the northern extremity of Mitchell's Medousa Lake, or the northern source of a then nameless branch, now known to be the River Madawaska; and also that the Highlands, described in the said contingent agreement, extended from that point, or in other words, from the Temiscouata Portage to the source of the River Connecticut. Therefore:

First. This is a complete refutation of the British argument, founded on the erroneous supposition, that the boundary line claimed by the United States under the treaty was more disadvantageous to Great Britain, than that offered in the contingent agreement of the 8th of October ; and that it was therefore absurd to suppose that the British Government, having rejected this, could have assented to the line as claimed under the treaty by the United States. This argument rested on a misconception of the source of the River St. John, intended and proposed by the American Commissioners. A single glance at the map shows, that the line proposed on the 8th October, 1782, included, in addition to the territory claimed by the United States under the treaty, the whole of that which is bounded southwardly by the sea from the mouth of the River St. Croix to the mouth of the River St. John, west by the line claimed under the treaty by the United States, and east by the River St. John.

Secondly. It was insisted, on the part of Great Britain, that the United States, having themselves, by their proposal, made the source of the river St. John the north-west angle of Nova Scotia, and having defined the dividing Highlands, as extending only from that point to the source of the Connecticut River, this definition embraced only the Highlands which divided the tributaries of the River St. Lawrence, from those of the Penobscot and of the Kennebec, and excluded highlands dividing the sources of the several branches of the River St. John, from those of rivers emptying themselves into the River St. Lawrence. And it was suggested that it was, with that view of the subject and with that understanding, that the term *Atlantic Ocean* had been used, instead of the word *Sea*, in the resolutions of Congress of 1779, and in the proposed agreement of 8th October, 1782.

If there was any plausibility in this argument, it was exclusively derived from the erroneous supposition, that the St. John, contemplated by the United States, was that of the longest branch of the River St. John, or of that which is laid down as such in Mitchell's map.

Now you perceive that the dividing highlands proposed by the American Commissioners, distinctly delineated by Mr. JAY, and designated by him as Mr. OSWALD's line, commence at the northern extremity of Mitchell's Medousa Lake, and extend thence all the way to the northernmost source of the River Connecticut. That distance, according to Mitchell's map, is about two hundred and twenty miles in a straight line; and, according to that map, one hundred and twenty-five miles of that distance divide the rivers emptying themselves into the River St. Lawrence, from the sources of the several branches of the River St. John; and only the remaining ninety-five miles divide the tributaries of the River St. Lawrence from those of the Penobscot and of the Kennebec. It is therefore clearly established, as you see it on the map, that the Highlands described in the proposed agreement of the 8th October, 1782, as "Highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic," are and were clearly understood to be highlands dividing for more than one half of their length, the rivers that empty themselves into the River St. Lawrence from the branches of the River St. John; and therefore, that the River St. John was, by Congress, and by the Commissioners, held and understood to be a river falling into the Atlantic. When it is considered that, with that fore-knowledge of the meaning attached to the term Highlands, &c., in the first proposal of the American Commissioners, the identical words used in that proposal, as defining those intended highlands, were transferred to and used in the definition of the highlands described by the treaty, (along the *said* highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic *Ocean,*) you may judge of the soundness of the British argument as applied to the terms of the treaty. From the place of beginning, viz: from the northern extremity of Mitchell's Medousa Lake to the northernmost source of the River Connecticut, the line delineated by Mr. JAY, in conformity with the agreement of October 8th, 1782, runs along the identical highlands claimed under the treaty by the United States: and the lines prescribed by the treaty are defined precisely in the same terms, as the highlands contemplated by the agreement of 8th October, 1782.

Thirdly. It was urged, in connection with the last above stated argument, that, inasmuch as the River St. Croix was declared to have its mouth in the Bay of Fundy, as contradistinguished from the Atlantic Ocean, in which the River St. Mary's is declared to have its mouth, the River St. John must *à fortiori* be held to fall into the Bay of Fundy, and could not therefore be considered under the terms of the treaty, as one of the rivers falling into the Atlantic Ocean. Analogous expressions are used in the agreement of October, 1782, in reference to the St. John's river, the only difference consisting in the substitution, in the treaty, of the *River St. Croix,* and a *due north line,* for *St. John's River,* in the agreement of October, 1782. This will appear evident by comparing with the words used in the treaty those of the agreement of October, 1782, which are:

" Thence down along the middle of St. Mary's River, to the " Atlantic Ocean; *and* east, by a line to be drawn along the " middle of *St. John's River, from its source to its mouth in the* " *Bay of Fundy:* comprehending all islands within twenty "leagues of any part of the shores of the United States, and "lying between lines to be drawn due east from the points "where the aforesaid boundaries between Nova Scotia on "the one part, and East Florida on the other, shall respec- "tively touch the *Bay of Fundy* and the *Atlantic Ocean.*"

The only difference between these words and those used in the treaty, consists in the substitution above stated. But all the sentences in the treaty in which the Bay of Fundy is mentioned, are found expressed in the same manner and for the same purpose, in the agreement of October, 1782. The River St. Croix in the treaty, the River St. John in the agreement, are respectively declared to have their mouth in the Bay of Fundy. In both instruments, the southern boundary is declared to terminate in the Atlantic Ocean. In both, the boundaries between (the United States and) Nova Scotia on the one part, and East Florida on the other, are said respectively to touch the Bay of Fundy and the Atlantic Ocean.

Since it is now fully demonstrated by Mr. JAY's map, that, notwithstanding that apparent distinction between the Atlantic Ocean and the Bay of Fundy, the River St. John was clearly intended and understood in the agreement of October, 1782, to be a river falling into the Atlantic Ocean; it is impossible that the same identical expressions should have been preserved in the treaty, for the special purpose of excluding that river from the class of Atlantic rivers, and of making thereby the treaty a perfect non-sense. Such, however, was the pretended inference, and such the frail foundation, now completely subverted, on which alone it rested.

It is evident that, in both cases, the words *Bay of Fundy* were introduced, only for the purpose of defining, with precision what river was intended. It was inserted in the agreement of October, 1782, in order that the intended River St. John might not be confounded with another River St. John, mentioned in the Proclamation of 1763, which coming from the north falls into the Gulf of St. Lawrence. It was inserted again in the Treaty of 1783, for the purpose of defining with precision the locality of the intended River St. Croix, and of excluding all the rivers having their mouth west of the Bay of Fundy, which might bear the same name. And this precaution was the more necessary, inasmuch as Governor Pownall had previously asserted, in a work published under his name, and often appealed to on the part of Great Britain, that there were several rivers, having their mouths west of the Bay of Fundy, which were, by the French, called also "River St. Croix." It is well known that subsequently, one of the British agents asserted that, if it had not been otherwise determined, Great Britain might under the treaty have claimed the River Penobscot, as being the true River St. Croix intended by that instrument.

In all that which I have now stated, I have admitted, that no other line was traced by Mr. Jay on his map, than the red line which he calls Mr. Oswald's line. This admission has been made, not only in order to avoid a discussion on debateable ground, but also because I believe the admission to be consistent with the fact. I believe so, not only on account of the general character of the coloring of the map, and for other reasons already alleged, but also because Mr. Jay did not correct the map in another quarter, so as to make the boundary agree with the terms of the treaty. From the point where the forty-fifth parallel of latitude intersects the River St. Lawrence, the treaty substituted, for that which is called Mr. Oswald's line, the boundary line which, as you well know, runs through the River St. Lawrence and the middle of the Lakes Ontario, Erie, Huron, Superior, &c. This line prescribed by the treaty is not delineated on Mr. Jay's map.

It is, however, proper to state that, in relation to our North-Eastern Boundary, it was not necessary for Mr. Jay, and indeed it was impossible for him, to have delineated it on the map. If you suppose, indeed, that the map came into his hands without being colored, and that the line, red on one side and yellow on the other, which, from the mouth of the River St. Croix to its source, and thence in a due north course extends to the southern boundary of Canada, did not exist on the map when he received it, it follows, that it was delineated by himself: and this supposition would conclusively settle the question as to the understanding of the boundary line by our Commissioners. But if, as I believe, that line had been previously delineated, Mr. Jay stood in relation to the map in the same situation as is now the case with ourselves. If we were asked to delineate on that map, as it now stands before you, the boundary line claimed by the United States, our answer would be: We cannot do it, for it is already done; that red and yellow line is precisely that which we claim. This was the situation of Mr. Jay. The treaty line was then delineated with great precision, and he had in that respect nothing to alter or to correct. As to the line claimed on the part of Great Britain, there is no trace of it on the map.

Exclusively of the question respecting the character of the highlands, on which the map throws no light, but which I believe now to be definitively settled, both as to principle and as to fact, the only British argument, which is not completely demolished by Mr. Jay's map, is that which relates to the intersection of the River Ristigouche by the due north line, as claimed by the United States. And it is proper, when arguing upon that map, to point out the only misconception of the negotiators of the treaty of 1782, with regard to the topography of the country, which may in any way have a bearing on the questions respecting our North-Eastern Boundary.

It is well known, that there are great errors in the longitude of the maps of that epoch, and particularly in that of Mitchell. Had that error been uniform throughout the map, its only effect would have been to place that part of America sixty or one hundred miles nearer to the observatory of Greenwich, and to Europe generally, than it is now known to be. But this would not have affected the relative position of the various places in America delineated on the map. The error, however, is not uniform. The geographical notions in England of the River St. Lawrence, from its mouth upwards, were in 1755 exclusively derived from French maps, whilst those of the Atlantic shores were chiefly derived from British observations. And it so happened that, although the errors were on the same side, the difference was greater, by nearly one degree of longitude, on the River St. Lawrence, than on the Atlantic shores. Hence it followed, that the position of the several short rivers that fall into the River St. Lawrence from the south, and of the places determined in reference to those rivers, was placed on the maps from forty to fifty miles east of their real position, relatively to the various places along the Atlantic shores, or whose position was determined in reference to those places.

The position ascribed to the northern extremity of Mitchell's Medousa Lake was not derived from any survey of the River St. John and its branches; but it was known and is designated on the map as a carriage to Canada. It was an ancient well known portage, by which the French inhabitants of the Bay des Chaleurs and the Miramichi communicated with the River St. Lawrence. Its position on Mitchell's map is taken from the French maps; and, as has already been stated, that position is quite correct in reference to the rivers that empty themselves into the River St. Lawrence. But, on the other hand, the position of the River St. Croix, on that map, was determined in relation to places along the shores of the Atlantic, including the Bay of Fundy. The due north line from the source of that river had never been run, and is delineated on the map in reference to the position of that source. The consequence of that difference is, that the due north line which, when surveyed, was found to terminate at the source of the River Metis, is placed on Mitchell's map about forty miles west of that source; and that the course of the Madawaska River from its junction with the St. John up to its source, is represented as being north, instead of northwest, and almost to coincide with the due north line. So that, that source of the River St. John, (that is to say, of the Madawaska,) which, according to the agreement of October, 1782, was considered as the northwest angle of Nova Scotia, is on the map placed only five miles west of the termination of the due north line, whilst in fact those two points are about forty-five miles apart.

The consequence of that topographical misconception, on the part of the negotiators of the treaty of 1783, was *first,* that it made the line, agreed to according to our understanding of it, to appear much less disadvantageous to Great Britain, with respect to the communication between her provinces, than in reality it turned out to be; *secondly,* that the negotiators entertained no suspicion, that the due north line could possibly be intersected by the branches of any river emptying itself into the Gulf of St. Lawrence.

I am clearly of opinion that, in a general geographical sense, the Bay of Fundy and the Gulf of St. Lawrence are bays or inlets of the Atlantic Ocean; that, in the same general geographical view, the River St. Lawrence is itself an Atlantic river; and that, unless excluded specially or by a necessary implication, they must under the treaty be considered as such. The treaty contemplates but two classes of rivers to be divided from each other; those emptying into the River St. Lawrence, and those that fall into the Atlantic Ocean. Whence it appears to me conclusively to follow, that the rivers which do not fall into the River St. Lawrence, but into either the Bay of Fundy or the Gulf of St. Lawrence, both which are bays of the Atlantic Ocean, are, by the terms of the treaty, clearly included within the class of rivers emptying into the Atlantic Ocean. The point, therefore, where the due north line intersects the highland which divides a river, that empties itself into the River St. Lawrence from a branch of the River Ristigouche (which falls into the Gulf of St. Lawrence), is the true north-west angle of Nova Scotia described by the treaty. The supposition that the north-west angle is to be found on the highland which divides the waters of the Ristigouche from those of the River St. John, implies the supposition that the Gulf of St. Lawrence and the river of the same name were, by the negotiators, considered as identic.

At the same time I am ready to admit, that the negotiators of the treaty of 1783 had no expectation that the boundary, as described by them, would throw into the United States some of the head branches of the Ristigouche. I think it extremely probable that had they been aware of that circumstance, they would have modified the line, so far at least as to make the ridge which divides the Ristigouche from the St. John the boundary between the two countries, till it met the ridge which divides the waters of the St. John from those of the River St. Lawrence. Seeing, indeed, that according to Mitchell's map they must have believed the due north line and the River Madawaska to be almost identic; it is not improbable, considering the conciliatory dispositions which animated the framers of the treaty, that they might, had they known the true topography of that part of the country, have secured the ordinary communication between the British Provinces by substituting the River Madawaska, instead of the continued north line, as an equitable boundary. These considerations, though not affecting the question of right, must have had their due weight on negotiations having for object an amicable compromise.

Although the objections made against the boundary line claimed by the United States had, in my humble opinion, been already refuted, and although the most plausible of them are altogether disproved by the map of Mr. JAY, yet they may generally be considered to have been debateable questions. If any of them had proved conclusive, the only inference would have been that the treaty could not be literally executed, and that a compromise must be made. This is what actually took place in reference to another provision of the treaty, viz. the line from the lake of the woods to the Mississippi, which could not be executed according to the letter of the treaty.

It is a matter of deep regret that instead of only raising objections against the line claimed by the United States, an attempt should have been made, in behalf of Great Britain, to advance a claim of a most extraordinary and startling nature. It is with great reluctance that I approach this branch of the subject, which I would have wished to be buried in oblivion, had it not been lately renewed by the discovery of a map with a line of demarcation ascribed to Dr. FRANKLIN.

The treaty declares the East Boundary of the United States to be, a line drawn from the source of the River St. Croix directly north to the highlands, which divide the rivers that fall into the Atlantic Ocean from that which falls into the River St. Lawrence. And, from that point, which is declared to be the Northwest angle of nova Scotia, the boundary between the two countries is declared to be, " along the highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River."

It was asserted on the part of Great Britain, that the northwest angle of Nova Scotia, described by the treaty, was to be found at a certain point situate on the due north line, at or near Mars Hill, about forty miles north from the source of the river St. Croix, (or, according to Messrs. FEATHERSTONHAUGH and MUDGE, at another hill a few miles farther north.) Mars Hill is at least one hundred miles distant in every direction, from any of the sources of any of the rivers that empty themselves into the River St. Lawrence; and it divides no other rivers, but Goosequick River, from the River Presque Isle; both which are tributary streams of the River St. John, into which they empty themselves, a few miles east of the said due north line.

It was therefore contended that a point, described by the treaty as being on the highlands which divide the rivers which fall into the River St. Lawrence from those which fall into the Atlantic Ocean, may be placed on a highland, which *does not divide* from each other the rivers thus described by the treaty, which is one hundred miles distant from the waters of the River St. Lawrence, and which divides no other rivers but two small branches of one and the same river, viz: the River St. John, which falls into the Atlantic Ocean, and was considered by Great Britain as falling neither into the Atlantic Ocean or the River St. Lawrence.

The boundary line claimed on the part of Great Britain, from that spot to the sources of the River Chaudiere, which falls into the River St. Lawrence, (a distance of about one hundred and fifteen miles in a straight line,) instead of dividing, in conformity with the terms of the treaty, rivers falling into the River St. Lawrence from rivers falling into the Atlantic, divides no other rivers than the various branches of the Penobscot from the branches of the River St. John. For the whole of that distance, that line divides no other rivers than rivers falling, as the United States affirm, into the Atlantic Ocean, or, according to the suggestions of the British agents, no other rivers than rivers falling into the Bay of Fundy, from rivers falling into the Atlantic Ocean. It is only from the source of the River Chaudiere, at a spot called Metjarmette Portage, that the line claimed by Great Britain, coinciding there with the American line, divides the sources of rivers that fall into the River St. Lawrence, from the sources of several tributary streams of the Rivers Penobscot, Kennebec, and Connecticut. It is only for that portion of the boundary, or about eighty miles in a straight line, that the British line did fulfil the conditions of the treaty.

In order to sustain that claim it was insisted that, although the highlands from Mars hill to the sources of the Chaudiere do not divide the rivers described and contemplated by the treaty, they are a *continuation* of, or *connected* with, the highlands which, from the source of the Chaudiere to that of the Connecticut, divide the rivers contemplated and prescribed by the treaty. And it was affirmed that it was not necessary, according to the terms of the treaty, that the boundary should, through its whole extent, be along highlands which actually divide rivers emptying themselves into the River St. Lawrence from those that fall into the Atlantic Ocean. On that point it is sufficient to recur to the terms of the treaty.

The northwest angle of Nova Scotia is there expressly declared to be on the highlands themselves, and not on the continuation of the highlands which actually divide the rivers mentioned in the treaty. And the boundary is declared to be *from* that northwest angle *along* the highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, *to* the northwesternmost head of Connecticut River. It would be difficult to devise words more clear and precise, than the words *from*, *along*, and *to*, for the purpose of declaring that the boundary must, through its whole extent, from the place of beginning, or northwest angle of Nova Scotia, to the source of the Connecticut, be on the highlands described by the treaty.

It was also broadly asserted, that the British line *does divide*, as directed by the treaty, the rivers which empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean. The term *to divide* was made to mean *to lie between*. The line, that was claimed by Great Britain, divides the rivers that fall into the Atlantic Ocean from those which empty themselves into the River St. Lawrence, in the same manner as the Rhine divides France from Poland, and as the Hudson River divides New-York from Pennsylvania.

As a subsidiary argument, whilst it was contended, in opposition to the American line, that the negotiators were entirely unacquainted with the topography of the country, it was asserted that they did, by the terms of the treaty, *intend* to describe the north-western angle of Nova Scotia and the boundary line claimed on the part of Great Britain. Now, you see, that the course of the main River St. John from the due north line to its western source and the position of that river in relation to the sources of the River St. Croix, of the Penobscot, and of the tributary streams of the River St. Lawrence, between the Temiscouata Portage and heads of Connecticut River, are laid down with remarkable correctness on Mitchell's map; and, I may add, on all the subsequent English maps published before the year 1782.

It is manifest by Mitchell's map and those of a subsequent date, and it was therefore perfectly well known to the negotiators, that no point of the due north line, south of the River St. John, did or could divide, from each other, any rivers whatever but some branches of the said River St. John;—that the source of the River Chaudiere was about 120 miles distant, and in a westwardly course from any such point of the due north line; that no line whatever, drawn from any such point of the said due north line south of the River St. John, and keeping south of that river, could, between that point and the source of the River Chaudiere, (or of any other tributary of the River St. Lawrence,) divide from any river whatever, any of the rivers emptying themselves into the River St. Lawrence ;—and that such line, through its whole length of 120 miles, could divide no other rivers whatever but the southern branches of the River St. John, from the branches of the Rivers St. Croix, Penobscot, and Kennebec.

With those facts before them, if the negotiators of the treaty had intended that the north-west angle of Nova Scotia should be placed on highlands situated south of the River St. John, or on any point of the due north line lying between and dividing only tributary streams of the River St. John, it is impossible that they should have described that angle as being on highlands dividing the waters of the River St. Lawrence from rivers falling into the Atlantic Ocean.

It is equally impossible that, if the negotiators intended that the boundary, from the due north line to the sources of the Chaudiere, should, for one hundred and twenty miles, either divide the sources of the Penobscot and of the Kennebec from those of the St. John, or should, without dividing any rivers, only intersect branches of the St. John, they should have described such a boundary, as being on highlands dividing the waters of the River St. Lawrence from the rivers falling into the Atlantic Ocean.

What renders the supposition, that those ministers expressed themselves in terms so contradictory of the intentions gratuitously ascribed to them, still more untenable, is, that there would not have been the slightest difficulty, with Mitchell's map before them, in defining with the utmost precision, if so intended, the boundary line as now contended for by Great Britain.

Had the intention been, as was affirmed, to assign to Great

Britain the whole of the basin of the River St. John, there would not have been any occasion, either to refer to the north-west angle of Nova Scotia, or that any part of the boundary should have been a line drawn due north from the source of the River St. Croix. In that case, the boundary would, by an ordinary conveyancer in possession of Mitchell's map, and of the intentions of the parties, have been described in the following words, or in others as explicit, and of the same import, viz:

" From the source of the River St. Croix, along the high-
" lands which divide the rivers that empty themselves either
" into the River St. John, or into the River St. Lawrence,
" from those which fall into the Atlantic Ocean, west of the
" mouth of the River St. Croix, to the northwesternmost
" head of Connecticut River..............East by a line
" drawn along the middle of the River St. Croix, from its
" mouth in the Bay of Fundy to its source."

Had it been intended, though for what object, with the intentions ascribed to the negotiators, is altogether unintelligible, that a due north line drawn from the source of the River St. Croix, should form a part of the boundary, a slight alteration in the phraseology, would, with equal facility, have effected that purpose.

It is well known that this extraordinary pretension was suggested by the British Agent, under the Joint Commission of 1818, who, having also been the Agent before the Joint Commission of 1798, had then expressly declared that the north line must of necessity cross the River St. John, but that, if it was drawn from the source of the western branch of the Schoodiac, it would cross that river in a part of it almost at the foot of the highlands. That Agent, one of the first settlers of the Province of New Brunswick, thoroughly acquainted with the subject, was, as late as the year 1798, of opinion that the highlands of the treaty lay north of the River St. John, and that the north line, in order to meet them, must cross that river. Sir ROBERT LISTON, then his Britannic Majesty's Minister to the United States, construed the treaty in the same manner.

The proceedings of the Joint Commission of 1818 were not published, and excited but little sensation at the time. It was only generally known that the Commissioners had not agreed, and that the reference to a foreign power, provided by the treaty of Ghent, had become necessary. I was, for the first time, made acquainted with the claim set up by Great Britain in the spring of the year 1826, when appointed Minister to the British Court.

Wherever this pretension was known, it excited a general surprise and indignation. It was no longer an attempted construction of the articles of the treaty. It was viewed generally in America as being, not an interpretation, but a direct and obvious violation of the express terms of the treaty.

You will find, by the official documents deposited in your library, with what pertinacity the claim was sustained by the British Agents: and you know that the extraordinary arguments to the same effect, contained in the Report of Messrs. FEATHERSTONHAUGH and MUDGE, were laid officially before Parliament. Subsequently a better spirit was evinced; and this was followed by the conciliatory mission of Lord ASHBURTON. That the Government of Great Britain should ever have countenanced this pretended interpretation, has ever been, and is to this day, altogether incomprehensible to me. In the discussion of this pretension, the only difficulty on the part of the United States was that which was experienced in an attempt to demonstrate a self-evident axiom, or to refute such an assertion as that "two and two make five."

But this attempt was a fatal mistake, which shook the confidence justly due to the British Government for its fidelity in fulfilling its engagements, and which, by the excitement it produced and the incidents following from it, produced dangerous collisions, and prevented during a period of twelve years any approximation towards a conciliatory compromise. And now that such a compromise has happily been effected, the attempts lately made to renew the discussion on that particular subject can have, and have had, no other effect but to irritate.

It appears that Count DE VERGENNES did, on the 5th of December, 1782, send some one map to Dr. FRANKLIN, with a request that he would delineate on it the limits of the United States, as settled in the preliminaries between the British and American Plenipotentiaries; and that the map was returned the ensuing day by Dr. FRANKLIN, with a note, stating that he had marked with a strong red line the limits aforesaid. It further appears, that in the geographical department of the French Archives of Foreign Affairs, which contains 60,000 maps, there is one of North America by Danville, dated 1746, in size about eighteen inches square, on which is drawn a strong red line throughout the entire boundary of the United States; which line runs wholly south of the St. John, and between the head waters of that river and those of the Penobscot and Kennebec: it is the line contended for by Great Britain, except that it concedes more than is claimed: it leaves on the British side all the streams which flow into the St. John between the source of the St. Croix and Mars Hill: from the St. Croix to the Canadian Highlands it is intended to exclude all the waters running into the St. John. There is no other coloring on any other part of the map.

There is no endorsement or proof of any kind whatever that this is the map on which Dr. FRANKLIN had delineated the limits as above stated. But admitting for a moment that this was the case, what does it prove?

No line of demarcation traced on a map can alter the express terms of a treaty, or change the locality of a natural object. No red or other line, no legerdemain can transfer Mars Hill to the Highlands, in which the rivers that empty themselves into the River St. Lawrence have their sources, or make the White Mountains of New Hampshire be on the ridge which divides the waters of the River Connecticut from those of the Hudson. If the fact was established, it could only prove that a highly gifted man had once committed a great blunder. This is not altogether impossible; but under all the circumstances of the case, it is so extremely improbable, and the presumption deduced from the fact, that there does exist in the French Archives a map of America with a red line, is so weak, that the supposition is altogether inadmissible.

It may be, that the features of physical geography are less attended to, and the terms used in reference to it, less familiar to the mass of the English people than to Americans. But it would be difficult to find an American farmer who does not know that, by the terms *height of land*, *highlands*, *which divide*, or, *dividing ridge*, that ridge, or those highlands, are always meant, in which the divided rivers, flowing in opposite directions, have their sources. Unless direct and positive proof to the contrary shall be adduced, it is utterly impossible to admit that, within six days after having signed the treaty, Dr. FRANKLIN should have substituted for a point (the north-west angle of Nova Scotia) and for a line, declared expressly by the treaty to be on highlands dividing the rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, a point and a line, which are on highlands which divide only the waters of the River St. John from those of the River St. Croix, and the Penobscot; and which point and line are one hundred miles distant from the highlands, in which rivers emptying themselves into the River St. Lawrence have their sources. It is, indeed, required from us to believe, that he had annihilated the due north line prescribed by the treaty, and substituted for it the crooked westwardly line which divides the Penobscot from the River St. John. It was not for the purpose of renewing the discussion, but in reference to the line thus ascribed to Dr. FRANKLIN, that I have pointed out the proofs of the impossibility that the negotiators of the Treaty of 1782 could have intended the boundary claimed by Great Britain; and, therefore, of the absurdity of the supposition which ascribes to Dr. FRANKLIN the red line in question.

I will go still farther: even if it was proved that the map found in the French Archives was that returned by Dr. FRANKLIN to Count DE VERGENNES, it would be far more probable that Dr. FRANKLIN, after having traced on the map the southern boundary of the United States, left to some subordinate person in his office the care of tracing the residue, and returned to Count De Vergennes the map, without having compared it, than that he should have traced as the North-Eastern Boundary prescribed by the treaty the red line ascribed to him.

The north-eastern and northern boundaries between the United States and the British Provinces were a matter of profound indifference to France, and to Count De Vergennes. But France, pressed by Spain, which, as is well known, wanted to extend the boundaries of Florida as far north as possible, was desirous that the United States should yield to those wishes to a certain extent. It was the southern boundaries of the United States, as described in the preliminary articles of peace with Great Britain, and that alone, which Count De Vergennes wished to ascertain. Of this Dr. Franklin was fully aware, and he may have drawn, himself, that part of the boundary. If, being then 76 years old, and with an impaired eye-sight, he left to a clerk the care of tracing the residue on that small map, and did not examine this critically, it is nothing more than what every man, who superintends important and extensive concerns, is perpetually obliged to do. The transcripts of the evidence respecting the North-Eastern Boundary, communicated to the British Government, and laid before the arbiter, were not and could not yet have been compared with the originals, either by the Secretary of State, or by the Agents of the United States, who collected the evidence, and superintended the whole subject.

In order to corroborate the supposition, that the red line on the map in the French Archives had been delineated by Dr. Franklin, some French maps published in 1783 and 1784 have been produced, on which the boundary is said to be laid in conformity with the British pretension. That some such maps do exist is true; but I cannot argue on maps which I have not seen, nor form a definitive judgment from the reported debates in the Senate of the United States, of the respective character and authenticity of the dotted and colored lines therein referred to. I have seen but two French maps published in those years, on which the boundary of the United States is attempted to be traced; one, which was in the Congress library, is a map of the United States of America, by Brion de la Tour, Paris, 1784; and, on this, the boundary is traced as claimed by the United States. The other belongs to this Society, and was, for the first time, communicated to me in the year 1840, by Mr. FOLSOM. It is a reprint of an old map of Guillaume Del'Isle, originally published in 1703, revised in 1783, Paris, by Dezauche, successor of Del'Isle & Buache. On this map, there is a colored line of the United States' boundary, in conformity with the British pretension. It is even in that respect incorrect, as it crosses Lake Champlain in forty-four degrees of latitude. But it is remarkable, that by comparing it with the original map of Del'Isle of 1703, (also in your collection,) there is found, on this new reprint, a distinct engraved dotted line, which does not appear in the old map, and has been added to this, corresponding very nearly with the boundary as claimed by the United States. This viewed in connection with the map of Brion de la Tour, and the observations made in the Senate, shows what little weight is attached to those French maps, which not only contradict each other, but even contradict themselves.

But it is not certainly on French maps of that date that we should rely, in order to ascertain the understanding of the negotiators of the Treaty of 1782, respecting the boundaries between the United States and Great Britain. We appeal for that understanding to the maps published cotemporaneously in Great Britain. We produced and laid before the King of the Netherlands all maps of the United States, which, to our knowledge, had been published in England during the years 1783 and 1784. The boundary is, on every one of them without exception, laid as claimed by the United States. No map of an opposite character, published during those two years, is known to us, or has been produced. The maps in question are the following, viz :

19. Sayer and Bennett's United States of America, with the British Possessions, &c., London,.. 1783
20. Bew's North America, &c., engraved for the Political Magazine, and annexed to the Report of Parliamentary Debates of February...... 1783
21. J. Wallis's United States of North America. London,................................ 1783
22. J. Cary's United States of America, &c. London, 1783
23. W. Faden's United States of North America, with the British and Spanish territories, &c. 1783
24. S. Dunn's United States of North America, with the British Dominions, &c. London,...... 1783
25. Bowles' Map of North America and West Indies, &c. London, Bowles and Carver.
26. Bowles' Pocket Map of the United States of America, British Possessions, &c. London,.. 1784
27. Albert and Lotter's North America, &c....... 1784
29. J. Cary's North America, &c., according to the Preliminary Articles of Peace, &c., collected from the materials of Gov. Pownall. London, 1783

When it is recollected, that a strong opposition was made in England to the terms of the treaty ; that, in the Parliamentary debate of the 17th February, 1783, Lord Carlisle said, that the Ministers " had through inaccuracy or egregious folly drawn such a line of boundary between America and Great Britain, as delivered Canada and *Nova Scotia fettered* into the hands of the American Congress;" that Mr. OSWALD was then in England; and that the British Ministry did not attempt, either by any map, or in any other shape whatever, to correct the unfavorable impression (if this was founded in error) made on the public mind by all the maps thus published: and when you combine this with the evidence afforded by Mr. JAY's map of the intentions of the parties; can any doubt remain, in any candid mind, as to the manner in which the terms of the treaty were understood by the British negotiator and by the British Government?

I must now advert to another map. Amongst other documents annexed to the proceedings of the joint commission of 1818, there was a report to the President of the United States, by EGBERT BENSON, the third Commissioner and Umpire in the joint commission which, in 1798, decided which was the true River St. Croix. This report contains at large the reasons which induced him to decide, contrary to the claim of Massachusetts, that the Schoodiac, and not the Magaguadavic, was the true River St. Croix. He there says, that the Agent on the part of the United States stated:

> "That Mitchell's map, published in 1755, was before the "Commissioners who negotiated and concluded the provisional treaty of peace at Paris in 1782; from that they "took their ideas of the country, upon that they marked the "dividing line between the two nations, and by the line "marked upon it their intention is well explained, that the "river intended by the name of St. Croix, in the treaty, "was the eastern river which empties its waters into the "Bay of Passamaquoddy."

" And he thereupon offered in evidence the testimony of " the three American Commissioners, as contained in the " following depositions of two of them, and letter from the " other, to Mr. Secretary Jefferson, of the 8th of April, " 1790, and also a map of Mitchell, as the *identical copy* " which the Commissioners had before them at Paris, having been found deposited in the office of the Secretary of " State for the United States, and having the eastern boundary of the United States traced on it with a pen or " pencil, through the middle of the River St. Croix, as laid " down on the map, to its source, and continued thence " north as far as to where, most probably, it was supposed " by whoever it was done, that the highlands mentioned " in the treaty are."

I had, during the summer of the year 1828, been engaged in collecting evidence which could be procured in the Records of Massachusetts and of New-York. None could, according to the convention of 1827, be laid before the Arbiter, which was not, on or before the 1st of January, 1829, communicated to the British Minister at Washington. On my arrival there in the beginning of November, 1828, one of my first inquiries at the Department of State, was to ascertain what had become of the map thus stated to have been offered in evidence in the year 1798. And a map of Mitchell was immediately produced to me by the First Clerk, (Mr. D. C. Brent,) as being the identical map in question. There had been traced on it, originally with a pencil and over it with a pen, the boundary of the United States in conformity with their claim. There was no endorsement or certificate on the map, showing by whom it was deposited in the office. Mr. Brent was persuaded it was the map, from tradition, and had never inquired into the proofs. Assisted by him, I made a thorough search amongst the files and other papers of the office, and could not discover any letter from the Commissioners, or either of them, announcing the transmission of that map. Although there could be no doubt of this being that which had been placed in the hands of the above-mentioned Agent, (Judge, since Governor SULLIVAN,) in the year 1798, as the identical copy used by the negotiators of the treaty, and on which they had traced the boundary line of the treaty; yet, unable to produce positive evidence of its having been thus originally deposited as such, we concluded not to lay the map as evidence before the King of the Netherlands. It appeared to us that, whatever might be our conviction, it would be doing injury to a claim so indisputable as that of the United States, to attempt to support it by any equivocal or disputable evidence. I leave you to decide, taking all the circumstances of both cases into consideration, whether there is not a much stronger probability of the genuineness of that map, and of its being in fact that on which, according to the joint testimony of our Commissioners, the boundary line was traced by them, than that the French map with the red line, found in the French archives, is the map on which Dr. FRANKLIN had traced the boundary. And you may also judge whether the course, adopted on that occasion by the Agents of the United States, was not the wisest as well as the most honest? whether it was not more consistent with propriety and sound policy to place no reliance on equivocal and disputable evidence, than to attempt to sustain a claim by conjectural inferences?

With respect to the map sent by Dr. FRANKLIN to Mr. JEFFERSON in April, 1790, I never saw it. I am confident it was not in the office of the Department of State in November, 1828; and there was not, at that time, any knowledge or recollection of it in the department.

It appears certain that it had disappeared before the year 1818. For Dr. FRANKLIN's letter, which mentions it, was quoted in his argument by the Agent of the United States under the Joint Commission. Had the map then existed, and been favorable to the claim of the United States, he would most assuredly have laid it before the Board. And, if unfavorable, he would not certainly have called the attention of the adverse party to it, by producing Dr. FRANKLIN's letter. It was not necessary for him to allude to this, since it only corroborated the fact of Mitchell's map having been used by the negotiators—a fact already proved by a joint letter of the American Commissioners, and by the depositions of two of them.

It is not now certainly necessary for me to defend the officers of our Government against the charges or innuendoes which have been directed against them.

To entertain, notwithstanding the map with a red line ascribed to Dr. FRANKLIN, a sincere and perfect conviction of the justice of the claim of the United States, is a charge to which, if it be one, we must all plead guilty.

Whether the Secretary of State communicated to the British Envoy the information received from Mr. SPARKS, I do not know. But I do know what I would have done, had I been in his place. There is with me a peremptory reason, why I should not have communicated to him a single tittle of any evidence which might be used or distorted against the United States.

We publish every thing, and, in the course of this controversy, the British Government has had the advantage of using, and has most freely made use of, all the instructions, resolutions, despatches, letters public or confidential, which had ever passed between our Government and its Ministers or Agents of every description. There does not exist within my knowledge, in any of our public offices, a single letter, paper, or document, of a date prior to the year 1826, relative to the subject, which has not been published. I neither deny the right of the British Government to have availed itself of those documents, or affirm, that we had a right to ask from it a similar communication.

But it is a fact, that that Government has never communicated to ours, or published, a single line, either of its instructions to Mr. Oswald, to Mr. Strachy, or to any other Agent employed in the negotiations of 1782, or of the communications made to it, during the course of those negotiations, by Mr. Oswald or any other Agent, nor of any instructions, communications, or correspondence of a subsequent date on the same subject.

It is impossible for us to know, whether any of those documents would have thrown any light on the subject. But I do say that, so long as they were not communicated to our Government, that of Great Britain had no right to ask, and, I am confident, did not ask or expect a communication of any evidence whatever, that might either have escaped notice, or lately come to the knowledge of our public officers.

If, notwithstanding the universal conviction of the right of the United States to the entire disputed territory, the late compromise has met with general approbation in America, it must be principally ascribed to the ardent desire of preserving peace, and to the comparative insignificance of the subject of contention. With our Government, the true question must have been, whether it was proper to enter into a negotiation for a compromise, which implied a partial abandonment of absolute rights, and converted the question of right into one of mutual convenience? In deciding this, the relative position in which the two countries were actually placed by the course of events, must necessarily be taken into consideration.

The award of the former Arbiter, the fruitless negotiations of the ensuing eleven years, the failure even of the attempts to conclude an agreement preparatory to another arbitration, the delays with which this would be attended, together with the uncertainty of the result, the opinions or prejudices prevailing in England, the irritation and the collisions in the contested territory, were positive facts, which had a powerful effect on both Governments, and controlled their conduct. That of Great Britain did, by the special mission of Lord Ashburton, give an unequivocal proof of its desire for the preservation of peace, and that an amicable arrangement might be concluded. Under all the circumstances of the case as it now stood, I am clearly of opinion, in common with a great majority of the nation, that it was right and proper to meet this overture with a similar spirit. The assent of the State of Maine was indispensable. This once obtained, the intrinsic value of the concessions, which have been accepted as equivalents for the territory yielded by the treaty, is a matter of opinion, and of very secondary importance.

I regret that it should have been necessary to resort to a compromise, and that the question had not been settled according to strict justice, and in conformity with the express terms of the treaty. It is regretted, only, because an adherence to these principles, in treaties as in private contracts, is necessary for the preservation of mutual confidence and of sincere friendly relations between nations or individuals. But in this instance, the compromise has proved satisfactory, and has already had a happy influence on both parties. And the hope is cherished, that the settlement of this long vexed question may pave the way to an amicable adjustment of other important subjects, and lay the foundation of perpetual peace and amity between the two countries.

Mr. GALLATIN having concluded the reading of his Memoir, the First Vice-President, WILLIAM BEACH LAWRENCE, Esq., rose and addressed the Chair as follows:—

Mr. PRESIDENT,

Extraordinary as it may seem, that the document on which you have dilated, should have remained unnoticed during the protracted discussions to which the Boundary question gave rise, it is, perhaps, no source of regret that it was not adduced during the late negotiation. I well remember, Sir, to have heard you frequently remark, when it was my privilege, in former days, to be brought officially in contact with you, that the greatest difficulty, on our side, was that our case was too strong—that there was not enough of doubt in it to justify a compromise. I am very sure, Sir, that no one, who reads the American statement, drawn up by yourself, or the concise argument of Mr. WEBSTER, in his note of the 8th July, 1842, to Lord ASHBURTON, can question the conclusiveness of the reasoning, deduced from the language of the treaty. In this last paper the Secretary of State refers to the familiar principle, that what is doubtful may be ascertained by that which is certain, and applying it to that part of the definition of "the highlands," which requires them to be at the head of the rivers emptying into the River St. Lawrence, about which there is no dispute, sustains, even if we concede to the English their quibble as to the distinction between the Atlantic proper and the Bay of Fundy and Gulf of St. Lawrence, the American claim to its fullest extent.

The map of Mr. JAY, the authenticity of which has this evening been proved, establishes, beyond controversy, that the source of the St. John, contemplated by the instructions of the old Congress of 1779, and in the Agreement between Mr. OSWALD and the American Commissioners, of October, 1782, was that of the Madawaska, the source of which is marked as Lake Nipissigouche on Mitchell's map, and not the source of the southern or western branch; though the latter is on that map designated as the main St. John. It is that northern source, which was identical with Mr. OSWALD's northwest angle of Nova Scotia; and though, when that fact was asserted by the Commissioners of Maine, Lord ASHBURTON treated the idea almost with ridicule, the document now before us, with the explanation which we have just had from you, Sir, of the geographical error as to the longitude of places near the St. Lawrence, compared with those on the seaboard, would have left the British Plenipotentiary no room for refutation. But, Sir, is there not reason to suppose that, in that case, the inherent goodness of our cause would have defeated what is infinitely more important than a diplomatic triumph—the conclusion of any treaty? The assertion of our extreme rights would not have procured for us the navigation of the St. John, more valuable to Maine and Massachusetts than the whole district claimed by them; it would not have quieted the title to the contested territory in New-Hampshire, Vermont, and New-York, nor acquired what has been obtained by our negotiator—a tract at the northwest, nearly equal in extent to all the land supposed to have been given up at the east. But, aside from all these matters of territorial compensation, a few millions of barren acres cannot be put in competition with the removal of all causes of irritation, between two great nations, and which, God grant! may be followed by those further treaty stipulations, which an enlightened political economy dictates, and which will render even a tariff—that prolific source of domestic contention—no longer a subject of discussion.

I should, Sir, were this an ordinary meeting of the Society, offer some remarks on the map supposed to have been traced by Dr. Franklin, and of which a most unworthy use has been made by English writers, including our old friend the *soi-disant* U. States' Geologist—British Commissioner, who, like the *condottieri* of the middle ages, passed at once from the service of the one country to that of the other. But, Sir, the American negotiator, especially after what has been said by you, has no occasion for any advocate, and, least of all, for so humble a one as myself. I will, therefore, simply remark, that the charge of concealment of documents comes with a singular ill grace from England, when we recollect that the only arguments, by which the late Special Minister supported the pretensions of his country, were derived from supposed admissions on our part, or from communications from one American functionary to another, and which according to the usages of all other Governments would have been inviolate secrets.

I now fulfil, Sir, my intention in rising, which was to request our distinguished Guest, whom we are proud to recognise as an associate, to present such observations on the matter that has brought us together this evening, as he may feel at liberty to communicate to a Society, whose object is, to preserve the record of events worthy to be commemorated in our national annals.

Mr. Webster then rose amidst great applause, on the cessation of which, addressing the Chair, he spoke as follows:—

I have had very great gratification, Sir, in listening to your dissertation on the topics connected with the newly found map of the late Mr. Jay. I came here to be instructed: and I have been instructed, by an exhibition of the results of your own information, and consideration of that subject; and without the slightest expectation of being called on to say any thing upon that, or any other topic connected with the treaty, in the negotiation of which it was my fortune to bear a part. I am free to say, Sir, that the map which hangs over your head does appear to be proved, beyond any other documents now producible, to have been before the Commissioners in Paris in 1782. That fact, and the lines and marks which the map bears, lead to inferences of some importance. If they be not such inferences as remove all doubts from these contested topics, they may yet have no inconsiderable tendency towards rebutting or controlling other inferences of an opposite character, drawn, or attempted to be drawn, from similar sources.

Before making any particular remarks upon the subject of the several maps, I will advert to two or three general ideas, which it is always necessary to carry along with us in any process of reasoning upon this subject. Let us remember, then, in the first place, that the treaty of '83 granted nothing to the United States—nothing. It granted no political rights. It granted not one inch of territory. The political rights of the United States had been asserted by the Declaration of Independence in 1776, and stood, and stand, and always will stand, upon that declaration. (Great applause.) The territorial limits of the several States stood upon their respective ancient charters and grants from the British crown, going back to the times of the Stuarts. The treaty of peace of '83 acknowledged, not granted, the independence of the United States. (Applause.) It acknowledged the independence of the United States as they then existed, with the territories that belonged to them, respectively, as colonies. That which has since become, or afterwards became, the subject of dispute, was territory claimed by Great Britain on the one hand, and Massachusetts on the other. The question was the definition of the boundary between the English Provinces of Canada and Nova Scotia, or New Brunswick and Massachusetts. But as, by the acknowledgement of the independence of the United States, England had put herself in a condition to treat diplomatically with the whole Union, this matter of disputed boundary between England and the State of Massachusetts thenceforward became a question of boundary between the United States and England; because the treaty-making power necessarily devolved upon the whole Union, as well according to the Articles of Confederation, as, afterwards, according to the Constitution of the United States. Well, then, the question was, what is, or what was, the boundary between the State of Massachusetts and the British province of Nova Scotia? Nova Scotia did not join in the war of independence—did not separate from the mother country; Massachusetts did, and the question therefore was, what was the boundary between them? Now, in order to a general understanding of that, we must go a little back into the history of political occurrences on this continent. The war of 1756 brought on a general conflict on this continent between England on the one side, and France and Spain on the other. From that period till the peace in 1763, which terminated the war, Spain possessed Florida, and Canada belonged to the French. By the peace of Paris in 1763, Canada on the north, and Florida on the south, were ceded by France and Spain, respectively, to Great Britain. Other conquests were made by British power in the West Indies; and the British ministry, in October of that year, by the celebrated proclamation of the 7th of that month, defined the boundaries of these respective colonies thus obtained from France and Spain; and so far as the present subject is concerned, it may be enough to say, that the British Government, in issuing the proclamation of 1763, defining, describing, and settling the boundaries of the newly acquired province of Canada or Quebec, asserted, for the boundary of Canada, a line against which Massachusetts had contended, as against France, during the preceding thirty or forty years. That is to say, the colony of Massachusetts had insisted that her territory ran to the north bank of the St. Lawrence. She claimed not *to* the highlands, but *over* them *down to the river*. England had never discountenanced this claim of her colony as against France. England, then becoming owner of Canada by conquest and subsequent cession, described its boundaries as she desired to fix them, by the celebrated line of "highlands." According to the Proclamation, the line from Lake Nepissing (at the north-west) was to cross the St. Lawrence and Lake Champlain in the 45th degree of north latitude, and thence to proceed along the highlands which divide the rivers that empty themselves into the St. Lawrence from those which fall into the sea, &c. Massachusetts complained of the proclamation of 1763 as taking into Canada what she had insisted on as matter of her own right. Mr. BORLAND, Massachusetts agent, presented it strongly to the British Ministry as an invasion of the territorial rights of that colony. It happened, however, that in the interior of Maine, near the Kennebec, there was a tract of country to which it was alleged the crown of England had rightful claim. There grew up, therefore, a tacit consent, soon after the peace of '63, between the crown of England and Massachusetts, that if the former would forbear to assert any right to this territory, included within the general limits of the State of Maine, Massachusetts would not press the matter respecting the boundary between that State and Canada. Well, under these circumstances, when the peace of 1783 was made, the question was to ascertain what was the boundary between Massachusetts and Nova Scotia. The country was a wilderness, and the line was not easily defined. Many historical documents—the proclamation of 1763—and many prior and subsequent proceedings of the Governments, were resorted to. Now I suppose that the object of the Commissioners of 1783 was to ascertain what was the existing line, and not to run any new line, as England being possessor of Canada by conquest from France, claimed under the French, and, according to general principles, would be bound by what had been the claims of her grantor. Now it is certain, that whilst the French owned Canada, down to the very day of its cession to Great Britain by the peace of 1763, the French maps, so far as I know, with hardly an exception, if any, represent the divisional line between Massachusetts and Nova Scotia exactly according to the line contended for by us. The French maps which gave another representation, were the production of a subsequent epoch. It was fair, therefore, to say to England, "You must claim under your grantors, and according to their claim."

The provisions of the Treaty of 1783 undoubtedly meant to ascertain what the line was as it then existed, and so to describe it. In regard to the map now presented, suppose the fact to be as I take it to be, that it was before the Commissioners, because it has Mr. JAY's memorandum upon it, and connecting it with the proposition of the British minister of the 8th October, 1782, several things seem very fairly to be deducible; and an important one is, that the north-west angle of Nova Scotia and the sources of the River St. John are identical, according to this map, and according to Mr. OSWALD's proposition. How comes it then, the north-western angle of Nova Scotia and the sources of the St. John being identical in the minds of men of that day, that that idea has not been followed up? Well, that leads to one of the questions about which it is impossible to say that any one can lay down, beforehand, any positive rule, or decide fairly, without a full knowledge of the facts of the particular case. The Commissioners proceeded upon a conviction of the accuracy and correctness of the geographical delineation upon the paper on their table. Suppose it afterwards to turn out either that that delineation was, in some small degree, incorrect, or that it was materially incorrect, or that it was altogether incorrect? what is the rule for such a case, or how far are mutual and common mistakes of this kind to be corrected? On the face of Mitchell's map, (and a copy of that map was before the Commissioners, as all admit,) the Madawaska is laid down as a north and south line, or a river running from the north to the south; therefore, Mr. OSWALD says, "beginning at the north-west angle of Nova Scotia," and then tracing the boundary to the Mississippi, down that river to latitude thirty-one north, and so to the sea, and along the sea; and then says, the eastern boundary shall be the river St. John, from its source to its mouth. He goes, therefore, on the idea evidently that the source of the St. John is at the north-west angle of Nova Scotia; or else he leaves a *hiatus* in his description. The fact, as stated by you, Sir, is, that this delineation of the Madawaska was erroneous. It is not a north and south river. Errors in the calculation of the longitude had led to giving it a north and south direction; whereas, it should have a north-west and south-east direction: and this error carries the map, in order to conform to the fact, from forty to fifty miles further to the west. Now, of the various questions which we may reasonably suppose to arise in a case of that sort, one would be, whether, in a case of mutual mistake of that kind, founded on a mutual misapprehension, this error was to be corrected, or whether the parties were to be bound by it, let the true course of the river be what it might. These questions are no longer of great importance to us, since the whole matter has been settled; but they may have their influence, and are worthy of consideration in a historical point of view.

The conflict of these maps is undoubtedly a pretty remarkable circumstance. The great mass of cotemporaneous maps is conformable to the claims of the United States, and the remarks read by the President of the Society are most cogent to evince this. The treaty negotiated in Paris, by Mr. Oswald, on the part of the British Government, met with great opposition in the British Parliament. It was opposed on the very ground that it made a line of boundary "exceedingly inconvenient to Great Britain;" or as a leading member of Parliament said, that it made the United States masters both of Nova Scotia and New Brunswick; and maps were published exhibiting this line exactly as claimed by the United States. These maps accompanied the Parliamentary papers and debates. Now it is very extraordinary—it would be deemed almost incredible, that if these maps, thus making out a case on which so much stress had been laid, against the British Ministry, and their negotiation, had been erroneous, nobody in the Foreign office, nor the Minister, nor Mr. OSWALD himself, should have one word to suggest against the accuracy of these maps. They defended the treaty and boundary as presented on the maps, not going on the ground at all that those maps exhibited any erroneous presentation. Nevertheless, it is a matter of historical notoriety, that from the time of the conclusion of that treaty till our day it had been impossible to bring the two Governments to any agreement on the matter. That on the words of the treaty—on the fair and necessary import of the words of the treaty, the case is, and has always been with the United States, I very much doubt if any intelligent Englishman at this day would be found ready to deny. The argument has been, not that it is possible to shew the line any where else—not that it is possible to bring the north-west angle of Nova Scotia this side of all the waters that run into the St. John—I suppose no man of sense and common candor would undertake to maintain seriously such a proposition as that—but the argument always has been, that which was successfully pressed upon the King of Holland—that there was a difficulty in ascertaining the meaning of these words; when we look to localities, the highlands, the streams, and face of the country; and that difficulty led his Majesty, as difficulties of a similar character in other cases lead referees and arbitrators, into the notion of "splitting the difference," or compromising the claim—and drawing a line between that claimed by us on the one hand, and that claimed by the British Government on the other. The English Government, therefore, has always proceeded less upon the terms of the treaty themselves, than on those external considerations; and especially upon that of the great inconvenience of such a line of demarcation, and founded upon that as its natural result, another inference, the high impossibility that England would have agreed to a line—unnecessarily—which separated her own provinces from one another, and made the communication between them dependent on the will and pleasure of a foreign power. The treaty of Washington, and the negotiations which preceded it, were entered into in a spirit of compromise and settlement.

When the present administration came into power, it determined, that as an arbitration conducted with the greatest diligence, ability, and learning, on the part of the United States, had failed; and that, as the matter was likely at all events to terminate in compromise at last, it might be quite as wise for the parties to attempt to compromise it themselves, on such considerations as they might see fit to adopt; rather wiser this, indeed, you must surely admit, than to refer it to the consideration of a third power. (Great applause.) It was upon that principle, and in that spirit, that the negotiations of 1842 were entered into. It was altogether in that amicable and rational spirit in which one neighbor says to another, according to the Scripture, "Let us agree with our adversary while we are on the way with him." Or, as one might suppose two landed proprietors would have done, whose contiguous estates had inconvenient projecting corners—irregular lines, producing inconvenience in the management of plantations and farms. These things, in private life, are adjusted, not on the principle that one shall get all he can, and grant nothing, or yield every thing and get nothing; but on the principle that the arrangement shall be for the mutual convenience and advantage of both parties, if the terms can be made fair, and equal, and honorable to both. (Great applause.) I believe, or at least I trust with great humility, that the judgment of the country will ultimately be, that the arrangement in this case was not an objectionable one. (Applause.) In the first place, I am willing to maintain every where, that in regard to the States of Massachusetts and Maine, they are better off this day, than if Lord Ashburton had not signed the treaty, but had signed, in behalf of his Government, a relinquishment of the claim of England to every square foot of the territory, and gone home. These States get more by the opening of the navigation of the rivers, and by the other benefits obtained through the treaty, than all the territory is worth north of the St. John, according to any estimate any gentleman has yet been pleased to make. And as to the United States, if we can trust the highest military judgment in the country—if we can trust the general sense of intelligent persons acquainted with the subject—if we can trust our own common sense on looking to the map, an object of great importance has been attained for the United States and the State of New-York, by the settlement of the question about the forty-fifth degree of north latitude, along from Vermont to the St. Lawrence across the outlet of Lake Champlain. At the same time that these are gains, or advantages, it does not follow that because this whole arrangement is highly advantageous to the States of Massachusetts and Maine, of great importance to the United States, and particularly useful to the States of New-York, Vermont, and New Hampshire, that therefore it must be disadvantageous, or dishonorable to the other party to the treaty. By no means. It is a narrow and selfish, a crafty and mean spirit, that supposes that in things of this sort there can be nothing gained on one side, without a corresponding loss on the other. (Protracted applause.) Such arrangements may be, and always should be, for the mutual advantage of all parties. England has not any reason to complain. She has obtained all she wanted—a reasonable boundary and a fair communication—a "convenient" communication and line of intercourse between her own provinces. Who is therefore to complain? Massachusetts and Maine, by the unanimous vote of all their agents, have adopted the treaty. It has been ratified by the English Government. And though in party times, and in contests of men, some little dust may be thrown into the air, and some little excitement of the political elements may be produced occasionally, yet so far as we know, no considerable fermentation on the subject exists. How far the United States consider themselves benefited by it, let the votes of the two Houses of Congress decide. A greater majority, I will undertake to say, in either House, was never given in favor of any treaty from the foundation of the Government to the present time. (Great applause.)

With respect, Sir, to the publication of Mr. FEATHERSTONHAUGH, and the tone of sundry articles in the London press, about the Paris map, I hope nobody supposes, so far as the Government of the United States is concerned, that all these things are exciting any sensation at Washington. Mr. FEATHERSTONHAUGH does not alarm us, for our reputation. (Laughter.) Going on the idea that either there must be a second arbitration, or a settlement by compromise, —finding that no arbitration which should not end in a compromise would be successful in settling the dispute, the Government thought it its duty to invite the attention of the two States, immediately concerned, to the subject—to ask them to take part in negotiations about to be entered into, with an assurance that no line of boundary should be agreed to without their consent—and without their consent, also, to all the conditions and stipulations of the treaty, respecting the boundary. To this the two States agreed, with the limitation upon the consent of their agents, that with regard to both States it should be unanimous. In this state of things, undoubtedly it was the duty of the Government of the United States to lay before these States thus admitted into the negotiations, all the information in its power. Every office in Washington was ransacked—every book of authority consulted—the whole history of all the negotiations, from the treaty of Paris downward, was produced—and among the rest this discovery in Paris, to go for what it was worth. If these afforded any evidences to their minds to produce a conviction that it might be used to obscure their rights,—to lead an arbitration into an erroneous, unjust compromise,—that was all for their consideration. The map was submitted as evidence, together with all the other proofs and documents in the case, without the slightest reservation on the part of the Government of the United States. I must confess that I did not think it a very urgent duty on my part to go to Lord ASHBURTON and tell him that I had found a bit of doubtful evidence in Paris, out of which he might perhaps make something to the prejudice of our claims, and from which he could set up higher claims for himself, or obscure the whole matter still further! (Laughter.)

I will detain you, Sir, by no remarks on any other part of the subject. Indeed, I had no expectation of being called upon to speak on the subject, in regard to which my own situation is a delicate one. I shall be quite satisfied if the general judgment of the country shall be—in the first place, that nothing disreputable to the country, nothing prejudicial to its interests in regard to the line of boundary, has been done in the treaty; and in the next place, and above all things, that a fair, honorable, manly disposition has been manifested by the Government in settling the question, and putting an end to a controversy which has disturbed the relations of the country for fifty years, not always without some danger of breaking the public peace, often with the effect of disturbing their commercial intercourse, spreading distrust between those having daily dealings with one another, and always tending to excite alarm, jealousy, and suspicion. (Loud and continued applause.)

A vote of thanks to the President and the Hon. DANIEL WEBSTER, was then passed, the question being put by the First Vice-President, and the meeting adjourned.

NOTE.

Mr. Gallatin, in his observations on Mr. Jay's Map, contained in his memoir, read on the 15th of April, stated that the line on the map, designated in Mr. Jay's hand-writing as "*Mr. Oswald's line*," must have been thus laid down with the assent and knowledge of Mr. Oswald, and that a copy or graphic description of it must have been transmitted by him to his Government.

On the 19th of April, English papers were received, by the packet ship "Mediator," containing the Parliamentary debate of the 21st of March, on the *Ashburton Treaty*, in which Sir Robert Peel is reported to have said:

"There is one more point on which I must touch before I sit down. The noble Lord has spoken at great length of a map recently discovered. [Hear, hear.] He seems to think that that map so discovered affords conclusive evidence of the justice of the British claims. Now, Sir, in the first place, let me observe to the noble Lord, that contemporary maps may be—when the words of the treaty referred to by them are in themselves doubtful—they may be evidence of the intentions of those who framed them, but the treaty must be executed according to the words contained in it. [Hear, hear.] Even if the map were sustained by the parties, it could not contravene the words of the treaty; but the noble Lord considers that a certain map which has been found in the archives of the Foreign Office at Paris, is conclusive evidence of the justness of the British claims. Now, Sir, I am not prepared to acquiesce in any such assertion. Great blame has been thrown upon Mr. Webster with respect to this map. He has been charged with perfidy and want of good faith, in not having at once disclosed to Lord Ashburton the fact of his possessing this map. Now I must say that it is rather hard, when we know what are the practices of diplomatists and negotiators—[a laugh]—I say, it is rather hard to expect that the negotiator on the part of the United States should be held bound to disclose to the diplomatist with whom he was in treaty all the weak points of his case; and I think, therefore, that the reflections cast upon Mr. WEBSTER—a gentleman of worth and honor—are, with respect to this matter, very unjust. This map was, it is true, found in the archives of the Foreign Office at Paris, and a letter of Dr. FRANKLIN was also found, having reference to some map; but there is no direct connexion between the map so found and the letter of Dr. FRANKLIN. [Hear.] In general, there is such a reference in the case of maps referred to in despatches; but there is none in this case. There is nothing to show that the map so found is the identical map referred to by Dr. FRANKLIN in his letter; and nothing can be more fallacious than relying on such maps. For, let me state what may be said on the other side of the question with respect to maps. We made inquiry about those maps in the Foreign Office at Paris, and we could find none such as that in question at first. We have not been so neglectful in former times with respect to the matter as the noble Lord seems to think. We made inquiries, in 1826 and 1827, into the maps in the Foreign Office at Paris, for the purpose of throwing light upon the intentions of the negotiators of 1783. A strict search was made for any documents bearing in any way upon the disputed question, but at that time neither letter nor map could be found. However, there were afterwards discovered, by a gentleman engaged in writing a history of America, a letter and a certain map, supposed by him to be the map referred to in the letter. In answer to our first inquiry, as I have already stated, no such map could be discovered. The first which we received from the Foreign Office at Paris was a map, framed in 1783 by Dr. Faden, Geographer to the King of England. On that map is inscribed, 'A Map of the boundary of the United States, as agreed to by the treaty of 1783; by Mr. Faden, Geographer to the King.' Now, Sir, that map placed the boundary according to the American claim; yet it was a contemporary map, and it was published by the Geographer to the British King. There is a work, which I have here, a political periodical of the time of 1783, called *Beme's Journal*. It gives a full report of the debate in Parliament upon the treaty then being concluded, and, in order to illustrate the report, it also gives a map of the boundaries between the countries as then agreed to. That map, Sir, also adopts the line claimed by the United States. On subsequent inquiry at Paris, we found a map, which must be the map referred to by Mr. JARED SPARKS. There is placed upon the map a broad red line, and that line marks out the boundary as claimed by the British. It is probably a map by Mr. d'Anville, of 1746, and there can be no doubt but that it is the map referred to by Mr. JARED SPARKS ; but we can trace no indication of connexion between it and the despatch of Dr. FRANKLIN. To say that they were connected is a mere unfounded inference. But there is still another map. Here—in this country—in the library of the late King—was deposited a map, by Mitchell, of the date 1753. That map was in the possession of the late King, and it was also in the possession of the noble Lord, but he did not communicate its contents to Mr. WEBSTER. [Hear, hear.] It is marked by a broad red line, and on that line is written 'Boundary as described by our negotiator, Mr. OSWALD,' and that line follows the claim of the United States. [Hear, hear.] That map was on an extended scale. It was in possession of the late King, who was particularly curious in respect to geographical inquiries. On that map, I repeat, is placed the boundary line—that claimed by the United States—and on four different places on that line, 'Boundary as described by Mr. OSWALD.' [Hear, hear.] Now, I do not say that that was the boundary ultimately settled by the negotiators; but nothing can be more fallacious than founding a claim upon contemporary maps, unless you can also prove that they were adopted by the negotiators; and when the noble Lord takes it for granted that if we had resorted to arbitration, we should have been successful in obtaining our claims, I cannot help thinking that the matter would be open to much discussion. Indeed, I do not believe that that claim of Great Britain was well founded; that it is a claim which the negotiators intended to ratify. I cannot say, either, that the inquiries which have been instituted since Mr. SPARKS' discovery have materially strengthened my conviction either way. I think they leave matters much as they were; and nothing, I think, can be more delusive than that the expectation that, if referred to arbitration the decision would inevitably have been given in your favor, in consequence of the evidence of maps, which would not be trusted as maps recognised by the negotiators themselves."*

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* In another report of this speech, the concluding part of the foregoing extract varies materially from the version given above; instead of saying that he does "*not*" believe the British claim well founded, Sir ROBERT is represented as having said:—" I believe still, as my impression was in the first instance, that the claim of Great Britain was well founded: that that claim the negotiators meant

It thus appears, not only that the map found in Paris by Mr. SPARKS had already become known to the British Government, but also that the map in the King's library had been in its possession and was not communicated to the Government of the United States. The books in the King's library had many years ago been transferred to the British Museum. This map was brought from the Museum to the Foreign Office during Lord PALMERSTON'S times, and was known to him as well as to Mr. FEATHERSTONHAUGH. We have authority for stating that Lord ABERDEEN has said, that he was not personally aware of the existence of this map till after the conclusion of the treaty, and that Lord ASHBURTON was equally ignorant of it till his return to England.

We understand that a line, from Lake Nipissing towards the source of the Mississippi, had once been drawn on this map, and has since been partially erased, though still visible. As the line is that which, in that quarter, had been proposed by the agreement of 8th October, 1782, it is probable that it was originally traced in conformity with that agreement, and was thus far the counterpart of that of Mr. JAY. But this line has been erased: and the *eastern* boundary of the United States is *not* on this map as on that of Mr. JAY, and in conformity with the said agreement, the River St. John from its mouth to one of its sources. On the contrary, the *eastern* boundary is on this map, found in the King's library, that described in the Preliminaries of Peace, viz: the River St. Croix from its mouth to its source, and thence a due north line to the highlands. And this line, distinctly marked on the map, and designated in several places as "the boundary described by Mr. OSWALD," carries the northwestern angle of Nova Scotia far to the north of the River St. John, and thence extends along the highlands as claimed by the United States. There can, therefore, be no doubt that, although the line, proposed by the contingent agreement of the 8th of October, 1782, had in the first instance been traced on the map, this was erased, and the boundary, established by the Preliminaries of 30th November, 1782, (since ratified *verbatim* by the definitive treaty,) was substituted and

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to recognise. That was my firm opinion, but I confess that the speeches of Mr. RIVES, and Mr. J. SPARKS' discoveries in the archives, have not materially strengthened my convictions; I think they leave the question very much where it was."

marked on that map for the information of King GEORGE THE THIRD, by Mr. OSWALD himself, or some one under his direction.

Another map of Mitchell has been discovered in the State Paper Office in England, on which the boundary is traced with a red crayon according to the British claim: but this is of no authority, as it is not known by whom or when that line was traced. A copy of another map again exists here, which was published in 1784, under the auspices of the British Admiralty, and in which the boundary line is marked in conformity with the American claim.

There is a great similarity in the views of Sir ROBERT PEEL and Mr. WEBSTER respecting the weight to which those various maps are entitled. We will say, that unaltered engraved maps are good evidence of the general understanding at the time, so far, and so far only, as they all agree in some one respect. This was the case with respect to the highlands intended as the southern boundary of Canada by the Proclamation of 1763 and the Quebec Act of 1774, and also as regards the boundary intended by the Treaty of Peace. In both instances, all the cotemporaneous maps published in England agree without a single exception, and sustain the claim of the United States.

Mitchell's map, as issued, and without subsequent lines traced on it, is the acknowledged evidence of the knowledge which the negotiators of the treaty of 1782–3 had of the topography of the country. But boundary lines, subsequently traced on that or on any other map, prove nothing, unless it can be proved that they were adopted or traced by or with the knowledge of the negotiators. The only authentic maps of that character are that of Mr. JAY and that found in the King's library. The question is now settled: and we consider these and other maps simply as historical or explanatory documents, and such as it is the object of this Society to collect and to rescue from oblivion.

The map used by Mr. JAY, during the negotiations of 1782, was one of Mitchell. We have annexed a fac-simile transcript of its northeastern sheet. It differs in no respect from Mitchell's original map, but in its being colored, and having besides a red line proved to have been traced on it by Mr. JAY, designated in his hand-writing as *Mr. Os-*

wald's line, and which is in conformity with the agreement of 8th October, 1782. It proves beyond doubt, that the dividing highlands intended by that agreement, (and which are described in the same identical words in the agreement and in the treaty of peace,) did, from the northern extremity of Mitchell's Medousa Lake to the northeastern source of the Penobscot, for a distance of more than one hundred and twenty miles, divide no other rivers, from those emptying into the River St. Lawrence, than tributary streams of the River St. John. This puts at rest the question respecting the intentions of the negotiators.

We do not pretend that the coloring, exclusively of that line, was done by Mr. JAY. It appears to have been previously executed by a map vender. The *green* southerly boundary of Canada is evidently intended to be drawn in conformity with the Quebec Act of 1774. The residue appears to be only Mitchell's dotted lines colored.